

**CHAPTER 10****MILITARY/CIVILIAN EMPLOYEE REPORTS OF UNSAFE  
OR UNHEALTHFUL WORKING CONDITIONS****1. General**

a. Detection of unsafe or unhealthful working conditions at the earliest possible time and the prompt abatement of related hazards at the lowest possible working level are essential elements in the prevention of accidents, injuries, and occupational illnesses. Implementation of the procedures set forth in this chapter will provide the means to achieve this end in accordance with reference (a).

b. Reference (a) implements the policy, procedures, and guidance for the Department of the Navy concerning evaluation and appeal procedures for reports made by Navy employees of unsafe or unhealthful working conditions. These procedures are required to be posted. Reference (s) outlines specific requirements necessary for each Federal agency to establish and maintain an Occupational Safety and Health (OSH) program. Naval Air Engineering Station Lakehurst reporting procedures shall be posted on all official bulletin boards.

**2. Procedures****a. Initial Reports and Actions**

(1) Any military or civilian employee (or representative of such employee) who observes an unsafe/unhealthful practice/condition or a violation of a safety/health standard should advise the workplace supervisor of the condition orally or make written notation of the deficiency using NAWCADLKE Form 5100/6, "Report of Unsafe or Unhealthy Working Condition", Exhibit 13A, and submit it to the workplace supervisor.

**NOTE:** Anonymity may be maintained by filing NAWCADLKE 5100/6, Exhibit 13A at the Public Safety Department), OSH Office, Building 5.

(2) The workplace supervisor shall then initiate appropriate corrective action, including immediate notification to Public Safety Department of the report. A report of action taken will be made to the Public Safety Department within five working days, via the department head.

(3) The OSH Office shall investigate all reports brought to its attention. Alleged imminent danger situations will be investigated within 24 hours. Potentially serious situations shall be investigated within three days. For health hazardous situations, the OSH Office will notify cognizant medical authorities and coordinate subsequent actions.

(4) The Public Safety Department will provide an interim or completed response in writing to the originator of the report within 10 working days of receipt. Interim responses will include the expected date for a complete response. When investigation validates the reported hazard, the complete response shall include a summary of abatement action taken. If no significant hazard is found to exist, the OSH Office shall indicate the basis for that determination.

(5) In the event that a hazard report also involves a grievance action, the hazard report need not be processed unless it indicates a need for priority action in the interest of safety or health.

(6) Employees have the right to directly contact the United States Department of Labor, Occupational Safety and Health Administration.

b. Appeals. If the originator of a report is dissatisfied with the determination made or action taken on a report, that person is encouraged to confer with the Public Safety Department to discuss the matter further and attempt resolution. If still dissatisfied, the originator may submit an appeal following the procedures set forth below. During the appeal process, if the originator does not receive a reply within 20 days, the appeal may be submitted to the next higher reviewing authority.

(1) The first appeal by personnel is to the Commanding Officer, in writing, and shall set forth a description of the hazardous condition; list the OSH Standard in violation (if known); how and to whom the report on the condition was given previously; and what actions, investigations, and determinations were made as a result of the report. The originator of the report shall sign the appeals document.

(2) Subsequent appeals shall be made through the Commander, Naval Air Warfare Center; the Commander, Naval Air Systems Command; the Chief of Naval Operations; the Secretary of the Navy (Manpower Reserve Affairs) (ASN(MRA)), and the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) (ASD(MRA&L)).

(3) In the event a civilian employee is not satisfied with the DOD disposition of the submitted report, the originator may contact the Office of Federal Agency Safety Programs, U.S. Department of Labor, Washington, D.C. 20210. The appeal must describe the entire processing of the report, and set forth objections thereto.

(4) The sequence of appeal for military shall follow the procedures of Article 1105 of the U.S. Navy Regulations and shall be via the chain of command. The final appeal authority is the Office of the Assistant Secretary of Defense (ASD(MRA&L)).

c. Stopping of Work. In cases of verified "imminent danger" situations, the Public Safety Department shall stop all work, as applicable. All personnel not required for abatement action shall be removed and immediate abatement action initiated.

d. Posting of Notices. In cases where employees are exposed to verified serious unsafe or unhealthful working conditions, a notice, advising employees of the unsafe or unhealthful working condition shall be posted by the workplace supervisor in the immediate vicinity of the hazardous condition. Information on abatement actions may be posted at the same time. These notices shall not be removed until the condition has been corrected or for three days, whichever is later.

### 3. Action

a. The Commanding Officer, as the "Designated Safety and Health Official," in accordance with reference (a), appoints the OSH Manager, to be his "designee" for the administration of this reporting program.

b. Heads of Departments/Offices shall:

(1) Ensure that all assigned supervisors are clearly apprised of their responsibilities as detailed in this instruction.

(2) Ensure posting of the NAES Lakehurst "Procedures for Reporting Unsafe or Unhealthful Working Conditions" provided in Exhibit 10B, on all official bulletin boards.

(3) Respond promptly to requests by supervisors and OSH personnel concerning reports of unsafe or unhealthful conditions.

c. First-Level Supervisors shall:

(1) Advise all employees of the contents of this instruction.

(2) Encourage prompt employee identification and reporting of unsafe or unhealthful working conditions, either orally or in writing.

(3) Advise employees that reports or appeals which bypass the established procedures will be returned to the originator, thereby delaying prompt action on the report.

(4) Assure employees that they may retain anonymity by submitting written reports directly to the OSH Office and that no reprisals or other punitive action will be taken against any employee originating a report.

(5) Initiate appropriate corrective action upon being advised by an employee of an unsafe/unhealthful practice/condition, or violation of a safety or health hazard.

d. This system does not replace any present hazard reporting system, such as the suggestion program, stand-up safety meetings, or the safety committees.

The employee covered by exclusive representation grievance procedures may elect either this appeal procedure or the negotiated grievance procedures, but not both. Once an employee elects a procedure, he/she must use the procedure selected. Higher level appeals are available only through this system and the steps must be properly followed.

e. The OSH Manager as "Designee" Safety and Health Official shall:

(1) Record supervisors' initial reports of unsafe or unhealthful conditions.

(2) Perform follow-up inspections and investigations, as appropriate, to ensure corrective measures have been taken.

(3) Maintain copies of reports and records of actions taken for a period of five years following the end of the calendar year to which they relate.

(4) Initiate reply to employee within ten working days from notification.

4. Forms. NAWCADLKE Form 5100/6, Report of Unsafe Unhealthful Work Conditions, is stocked by the Public Safety Department and is available upon request. Forms are also posted at each official bulletin board.

#### 5. Definitions of Violations

a. Imminent Danger. Any condition or practice in any place of employment which is such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated or abated.

b. Serious Violations. A serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment, unless the employer did not and could not, with the exercise of reasonable diligence, know of the presence of the violation.

c. Nonserious Violations. Those situations where an accident or occupational illness resulting from violation of a standard would probably not cause death or serious physical harm, but which would have a direct or

immediate relationship to the safety or health of employees. An example of nonserious violation is the lack of guard rails at a height from which a fall would more probably result in only a mild sprain or cut and abrasions; i.e., something less than serious physical harm.

d. De Miminis Violations. Those violations which have no direct or immediate relationship to safety or health. An example of slight deviation which may constitute a de minimis violation may be where the height of letters on the exit sign is not strictly in conformance with the size requirements of a standard.